

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
LUFKIN DIVISION

KEVIN JONES §
VS. § CIVIL ACTION NO. 9:19cv39
C. WHATLEY, ET AL. §

ORDER OVERRULING OBJECTIONS AND ADOPTING
THE MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION

Kevin Jones, an inmate confined at the Eastham Unit of the Texas Department of Criminal Justice, Correctional Institution Division, proceeding *pro se*, filed this civil rights lawsuit pursuant to 28 U.S.C. § 1983. Plaintiff seeks permission to proceed with this lawsuit on an *in forma pauperis* basis.

The court previously referred this matter to the Honorable Zack Hawthorn, United States Magistrate Judge, at Beaumont, Texas, for consideration pursuant to 28 U.S.C. § 636 and applicable orders of this court. The Magistrate Judge has submitted a Report and Recommendation of United States Magistrate Judge recommending this lawsuit be dismissed without prejudice pursuant to 28 U.S.C. § 1915(g).

The court has received and considered the Report and Recommendation of United States Magistrate Judge, along with the record and pleadings. Plaintiff filed objections to the Report and Recommendation.

The court has conducted a *de novo* review of the objections in light of the record and the applicable law. After careful consideration, the court is of the opinion the objections are without merit. Plaintiff has not demonstrated he is in imminent danger of serious physical injury. As a result, he may not pursue this case on an *in forma pauperis* basis.

ORDER

Accordingly, plaintiff's objections are **OVERRULED**. The findings of fact and conclusions of law of the Magistrate Judge are correct and the report of the Magistrate Judge is **ADOPTED** as

the opinion of the court. A final judgment shall be entered dismissing this lawsuit.

So Ordered and Signed

Oct 9, 2019



Ron Clark, Senior District Judge